

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Jame R. Smith

Docket No. 5:13-MJ-1032-1

Petition for Action on Probation

COMES NOW Van R. Freeman, Jr., probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Jame R. Smith, who, upon an earlier plea of guilty to 18 U.S.C. § 13, assimilating NCGS 20-138.1, Driving While Impaired Level 2, was sentenced by the Honorable William A. Webb, U.S. Magistrate Judge, on June 11, 2013, to a 12-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
2. It is further ordered that the defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program as directed by the U.S. Probation Office.
3. The defendant shall surrender his North Carolina driver's license to the Clerk of this Court for mailing to the North Carolina Division of Motor Vehicles and not operate a motor vehicle on the highways of the State of North Carolina except in accordance with the terms and conditions of a limited driving privilege issued by the appropriate North Carolina Judicial Official.
4. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
5. The defendant shall abide by all terms and conditions of the Remote Alcohol Monitoring Program, as directed by the probation officer, for a period not to exceed 90 consecutive days. The defendant shall comply with the program procedures and shall pay all costs associated with remote alcohol monitoring services.
6. In conjunction with the Remote Alcohol Monitoring Program, the defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 90 consecutive days. The defendant is restricted to his residence during the curfew hours.
7. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 30 days as directed by the probation office, and shall abide by all rules and regulations of the designated facility

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On September 14, 2013, the defendant consumed alcohol. He registered a .101 on the remote alcohol monitor. When confronted, he readily admitted that he had used alcohol, stating he had relapsed and needed assistance with his problem. He is currently employed and has a stable residence. He has no pending charges. We recommend, as a sanction and for additional monitoring while he completes his treatment, that his remote alcohol monitoring be extended for an additional 60 days. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall abide by all terms and conditions of the Remote Alcohol Monitoring Program, as directed by the probation officer, for a period not to exceed an additional 60 consecutive days. The defendant shall comply with the program procedures and shall pay all costs associated with remote alcohol monitoring services.

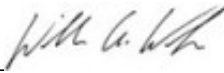
Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Van R. Freeman, Jr.
Van R. Freeman, Jr.
Senior U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: September 24, 2013

ORDER OF COURT

Considered and ordered this 25th day of September, 2013, and ordered filed and made a part of the records in the above case.



William A. Webb
U.S. Magistrate Judge